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MYSORE ACT No. XVIII OF 1950.

THE BETTING TAX (SECOND AMENDMENT) ACT, 1950.

(Received the assent of His Highness the Maharaja on the Fifth day of October 1950.)

An Act further to amend the Betting Tax Act, 1932.

Preamble. WHEREAS it is expedient further to amend the Betting Tax Act, 1932, (Mysore Act IX of 1932), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title and commencement. 1. (1) This Act may be called the Betting Tax (Second Amendment) Act, 1950.

(2) It shall come into force at once.

Amendment of section 6, Act IX of 1932. 2. In section 6 of the Betting Tax Act, 1932, (hereinafter referred to as the said Act),—

(1) in sub-section (1), for the words "out of all moneys paid or agreed to be paid by a licensed bookmaker to a backer in consequence of the winning by the backer", the words "out of all moneys paid or agreed to be paid to a licensed bookmaker by a backer in respect" shall be substituted; and the words "on backers" shall be omitted; and

(2) in sub-section (2), for the words "paid to the backer", the words "paid by the backer" shall be substituted.

Amendment of section 8, Act IX of 1932. 3. In sub-section (2) of section 8 of the said Act, for the words "all sums paid or agreed to be paid by them to backers in satisfaction of bets", the words "all moneys paid or agreed to be paid to them by backers in respect of bets" shall be substituted.

Repeal and savings. 4. The Betting Tax (Amendment) Ordinance, 1950, (Mysore Ordinance No. II of 1950), is hereby repealed. But any rules made, anything done and any action

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taken in exercise of any power conferred by or under the Betting Tax Act, 1932, as amended by the said Ordinance, shall be deemed to have been made, done or taken in exercise of the powers conferred by or under the Betting Tax Act, 1932, as amended by this Act, as if this Act had come into force on the twenty-third day of May 1950.

By Order of His Highness the Maharaja,

Order No. L.D. 2136—Legis. 22-50-1, Bangalore, dated 14—16th October 1950.

Ordered that the following Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Act, 1950, which received the assent of His Highness the Maharaja, on the Fifth day of October 1950, be published as Mysore Act No. XIX of 1950, in the *Mysore Gazette*, for general information.

MYSORE ACT No. XIX OF 1950.

THE MYSORE ALIENATED VILLAGES (PROTECTION OF TENANTS AND MISCELLANEOUS PROVISIONS) ACT, 1950.

(Received the assent of His Highness the Maharaja on the Fifth day of October, 1950.)

An Act to provide for temporary protection of tenants in alienated villages in Mysore and to ensure that such tenants are not deprived of the usual amenities reserved for the use of the village community.

Preamble.

WHEREAS it is expedient to provide, pending further legislation, for the temporary protection against eviction of tenants in alienated villages and also to ensure that the tenants are not deprived of the usual amenities by the disposal of trees, and to provide for the control of alienation of reserved land, and of lands in the possession of tenants;

It is hereby enacted as follows:—

Short title, extent, commencement and duration.

1. (1) This Act may be called the Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Act, 1950.

(2) It extends to the whole of the State of Mysore and shall apply to all alienated villages in the State.

(3) It shall come into force at once, and shall remain in force up to and inclusive of the 31st day of December, 1952.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context :—

(1) " alienated village " includes a Khayamgutta village;

(2) " reserved land " means, in an alienated village to which the provisions of Chapters VIII and IX of the Mysore Land Revenue Code, 1888, have been applied, all lands which have been reserved under section 39 of the said Code, and, in an alienated village to which Chapters VIII and IX of the said Code have not been applied, all land other than—

(*a*) land held by Kadim tenants or permanent tenants; or land in the possession of tenants at will, and

(*b*) land in the possession of the holder of the alienated village and cultivated by himself or by his own servants or by hired labour, uninterruptedly from the first day of July, 1946.

(3) All other expressions shall have the meanings assigned to them respectively in the Mysore Land Revenue Code, 1888.

Control of eviction of tenants.

3. Notwithstanding anything contained in any law for the time being in force, or any contract between the parties, no suit shall lie for the eviction of a tenant in an alienated village who has been holding, or is in possession of, land used for purposes of agriculture uninterruptedly from the first day of July, 1946, nor such tenant shall be evicted in pursuance of any decree or order of any court, or otherwise, if such tenant tenders to the superior holder, or any person acting on his behalf, within two months from the date of commencement of this Act, the rent or land revenue due in respect of the land up to and including the year ending with the thirtieth day of June, 1949, and is willing to hold or continue in possession of the land thereafter as a tenant on the same terms and

conditions on which he was holding, or was in possession of, the same on the said first day of July, 1946:

Provided that, subject to the provisions of section 4, the protection afforded by this section shall continue only so long as the rent or land revenue for any year is tendered by the tenant to the superior holder, or any person acting on his behalf, before the expiry of the thirtieth day of June of that year.

Reduction or suspension of rent in certain cases.

4. When owing to inadequate rainfall in any tract the State Government orders the suspension or remission of assessment in respect of lands in the said tract, the rent or land revenue payable by a tenant in an alienated village in the said tract to his superior holder shall be deemed to have been suspended or remitted in the same proportion as the assessment due to the State Government in such tract in respect of unalienated villages is suspended or remitted.

Revival of rights, liabilities and obligations after the expiry of the Act.

5. Any right, privilege, obligation or liability acquired, accrued or incurred under any enactment, decree or order of any court, or under any contract between the parties, immediately before the commencement of this Act, or which may be acquired, accrued or incurred, during the period this Act remains in force, but the enforcement of which has been stayed by the provisions of this Act shall, notwithstanding anything contained in section 6 of the Mysore General Clauses Act, 1899, immediately on the expiration of this Act, revive and be enforceable as if this Act had not been passed.

In computing the period of limitation for the enforcement of any such right, privilege, obligation or liability, the period during which the proceedings in respect thereof are stayed under this Act shall be excluded, notwithstanding anything contained in any law for the time being in force.

Control of alienation of reserved lands.

6. (1) No superior holder shall, without the previous approval in writing of the Deputy Commissioner, sell, mortgage, lease or otherwise assign or alienate any reserved land or land in the possession of tenants in any alienated village.

(2) Notwithstanding anything contained in any law for the time being in force, any sale, mortgage, lease or

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other assignment or alienation of any reserved land or of land in the possession of tenants effected

(i) after the first day of July, 1948; or

(ii) after the commencement of this Act in contravention of sub-section (1),

shall be void and shall have no effect:

Provided that any sale, mortgage, lease, or other assignment or alienation effected after the first day of July, 1948, and before the commencement of this Act, shall not be void, if such sale, mortgage, lease, assignment or alienation is confirmed by the Deputy Commissioner on the ground—

(*a*) that the transaction has been entered into in good faith; or

(*b*) that the transaction has been entered into for valuable consideration; or

(*c*) that confirmation is necessary for maintaining the agricultural economy of the State.

Control of appropriation of agricultural land for non-agricultural purposes.

7. (1) No superior holder shall, without the previous approval in writing of the Deputy Commissioner, appropriate, or grant permission to any tenant to appropriate any land appropriated for purposes of agriculture, for any purpose unconnected with agriculture.

(2) Notwithstanding anything contained in any law, or usage or custom having the force of law, for the time being in force, the appropriation, or the grant of permission for the appropriation, of any land appropriated for purposes of agriculture, for any purpose unconnected with agriculture in contravention of sub-section (1) shall have no effect.

(3) Any person who contravenes the provisions of sub-section (1) and any person who abets such contravention shall be punishable with imprisonment which may extend to one month or with fine which may extend to two hundred rupees or with both.

Control of disposal of trees.

8. (1) Notwithstanding anything contained in any law for the time being in force, no person shall fell, lop, sell or otherwise dispose of, any tree, in an alienated village, except under the orders in writing of the Deputy Commissioner:

Provided that the State Government may, by notification in the *Mysore Gazette*, exempt any specified class or classes of trees from the operation of this sub-section.

(2) Any person who contravenes the provisions of sub-section (1) and any person who abets such contravention, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Appeals and revision.

9. (1) Any person aggrieved by any order of a Deputy Commissioner under this Act may, within thirty days from the date of communication of the order, appeal to the Revenue Commissioner ; and the decision of the Revenue Commissioner on such appeal shall, subject to the provisions of sub-section (2), be final.

(2) The State Government may, in its discretion, call for and examine the record of any order passed by the Deputy Commissioner or the Revenue Commissioner for the purpose of satisfying itself as to the propriety of such order and may pass such order in reference thereto as it thinks fit.

Deputy Commissioner to sanction prosecutions.

10. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Deputy Commissioner of the District.

Bar of jurisdiction.

11. (1) No notification issued or order made in exercise of any power conferred by or under this Act shall be called in question in any proceeding in a court of law.

(2) No suit or other legal proceeding shall lie against the State Government, the Revenue Commissioner or the Deputy Commissioner or any other person in respect of any damage caused or likely to be caused by anything in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder.

Rules.

12. The State Government may, by notification in the *Mysore Gazette*, make rules to carry out the purposes of this Act.

Repeal and savings.

13. The Mysore Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Ordinance, 1950, (Mysore Ordinance No. III of 1950), is hereby repealed.

But any rules or orders made, anything done and any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been made, done or taken in exercise of the powers conferred by or under this Act, as if this Act had come into force on the eleventh day of June 1950.

By Order of His Highness the Maharaja,

Order No. L. D. 2137—Legis. 23-50-1, Bangalore, dated 14—16th October 1950.

Ordered that the following Mysore Electricity (Taxation on Consumption) Act, 1950, which received the assent of His Highness the Maharaja, on the Fifth day of October 1950, be published as Mysore Act No. XX of 1950, in the *Mysore Gazette*, for general information.

MYSORE ACT No. XX OF 1950.

THE MYSORE ELECTRICITY (TAXATION ON CONSUMPTION) ACT, 1950.

(Received the assent of His Highness the Maharaja on the Fifth day of October 1950.)

An Act to provide for the levy of a tax on the consumption of electrical energy in Mysore.

Preamble. WHEREAS it is expedient to provide for the levy of a tax on the consumption of electrical energy supplied by the Electrical Department of the State Government;

It is hereby enacted as follows :—

Short title, extent and commencement. 1. (1) This Act may be called the Mysore Electricity (Taxation on Consumption) Act, 1950.

(2) It extends to the whole of the State of Mysore.

(3) It shall come into force at once.

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "consumer" includes a local authority, company or other person who consumes energy supplied by the Electrical Department of the State Government;

(2) "energy" means electrical energy ;

(3) "prescribed" means prescribed by rules made under this Act.

Levy of tax on consumption of energy.

3. Subject to the provisions of this Act, every consumer shall pay every month to the State Government, at such time and in such manner as may be prescribed, a tax calculated at a rate not exceeding two pies per unit of energy as may, from time to time, by notification in the *Mysore Gazette*, be specified by the State Government, on and in respect of all energy consumed by the said consumer during the previous month.

Arrears of tax recoverable as an arrear of land revenue.

4. The tax payable under this Act which remains unpaid, shall be recoverable as an arrear of land revenue.

Power of State Government to notify exemptions and reductions of tax.

5. The State Government may, by notification in the *Mysore Gazette*, make an exemption or reduction in rate in respect of the tax payable under this Act—

(i) on energy supplied for any specified purpose ; or

(ii) by any specified consumer or class of consumers.

Power to make rules.

6. The State Government may, by notification in the *Mysore Gazette*, make rules to carry out the purposes of this Act.

Repeal and savings.

7. The Mysore Electricity (Taxation on Consumption) Ordinance, 1950, (Mysore Ordinance No. IV of 1950), is hereby repealed. But any rules made, any notification issued, anything done and any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been made, issued, done or taken in exercise of the powers conferred by or under this Act, as if this Act had come into force on the first day of July, 1950.

By Order of His Highness the Maharaja,

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Order No. L.D. 2138—Legis. 24-50-I, Bangalore, dated 14th/16th October 1950.

Ordered that the following Mysore Contingency Fund Act, 1950, which received the assent of His Highness the Maharaja, on the Fifth day of October 1950, be published as Mysore Act No. XXI of 1950, in the *Mysore Gazette*, for general information.

MYSORE ACT No. XXI OF 1950.

THE MYSORE CONTINGENCY FUND ACT, 1950.

(Received the assent of His Highness the Maharaja on the Fifth day of October 1950.)

An Act to provide for the establishment of a Contingency Fund for the State of Mysore.

Preamble.

WHEREAS clause (2) of Article 267 of the Constitution of India provides that the Legislature of a State may by law establish a Contingency Fund in the nature of an imprest;

AND WHEREAS it is expedient to establish such a Contingency Fund for the State of Mysore;

It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Mysore Contingency Fund Act, 1950.

(2) It extends to the whole of the State of Mysore.

Establishment of a Contingency Fund.

2. There shall be established for the State of Mysore a Contingency Fund in the nature of an imprest, called "the Contingency Fund of the State of Mysore", and consisting of a sum of thirty lakhs of rupees withdrawn from the Special Reserve Fund of the State.

Custody of the Contingency Fund and withdrawals therefrom.

3. The Contingency Fund of the State of Mysore shall be held on behalf of the Rajpramukh by the Secretary to the State Government, Finance Department, and no advances shall be made out of such Fund except for the purpose of meeting unforeseen expenditure pending authorisation of such expenditure by the State Legislature under appropriations made by law.

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4. The State Government may, by notification in the *Mysore Gazette*, make rules for the purpose of carrying into effect the provisions of this Act. Power to make rules.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

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